

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Tuesday, November 25, 2003 – 9:00 a.m. – Room 129 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Mike Dmitrich  
Sen. Ed Mayne  
Rep. Judy A. Buffmire  
Rep. Greg J. Curtis  
Rep. James R. Gowans  
Rep. Merlynn T. Newbold

**Members Absent:**

President Al Mansell  
Sen. Michael G. Waddoups

**Staff Present:**

Mr. Arthur L. Hunsaker, Policy Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at [www.le.utah.gov](http://www.le.utah.gov) or by contacting the commission secretary at 538-1032. A recording of the meeting may also be available from the Office of Legislative Research and General Counsel.

**1. Committee Business**

Chair Ure called the meeting to order at 9:11 a.m.

**MOTION:** Rep. Gowans moved to approve the minutes of the November 5, 2003 meeting. The motion passed unanimously.

**2. Staff Report – Laws and Rules Governing Chiropractors Performing Acupuncture**

Sen. Ed Mayne introduced the issue. He explained that the concern among the acupuncturists is that the DOPL (Division of Occupational and Professional Licensing) has a rule that permits chiropractors to practice acupuncture without being licensed. He distributed correspondence from various individuals in response to the issue.

Mr. Hunsaker distributed and reviewed "Laws and Rules Governing Chiropractors Performing Acupuncture." He also distributed information on the Chiropractic Physician Practice Act and rules associated with the act as well as the Acupuncture Licensing Act.

**3. R156-73-601 Scope of Practice**

Mr. Craig Jackson, Director, DOPL, explained that many professions which are regulated by DOPL have overlapping scopes of practice. Mr. Ray Walker, attorney, DOPL, provided a brief history of the decision of DOPL to allow, by rule, chiropractors to practice acupuncture with the appropriate training. Mr. Walker suggested options to the acupuncturist community: (1) clarify the statute to whether chiropractors practicing acupuncture is permitted or prohibited, (2) ask the court to issue a declaratory order, or (3) request an Attorney General opinion on the statute.

Mr. Chris Justesen, President, Utah Association of Acupuncturists, distributed information on the issue, including correspondence from concerned citizens.

Mr. Kevin Marcoux distributed comments on the statutory provisions regarding licensure of acupuncturists and the practice of acupuncture by chiropractors.

Dr. Brian Harding indicated that the scope of practice for acupuncturists and chiropractors does not overlap. He stated that he has been licensed and has practiced in both fields.

Mr. Tim Apgood, Executive Director, Utah Chiropractic Physicians Association, and Dr. James Nye, chiropractor, indicated that there is a history of chiropractors doing acupuncture in Utah since the 1970s. He indicated there is a formal Attorney General opinion indicating that chiropractors are trained in vein-puncture.

Mr. Sean Chang, Sunrise Acupuncture Clinic, explained that acupuncture is a unique form of medicine and requires special training.

Committee discussion and questions followed.

**MOTION:** Sen. Mayne moved to place R156-73-601 and R156-73-102(1) on the sunset list for the 2004 General Session.

Mr. Bill Lowes, Assistant Attorney General, indicated that the informal opinion rendered by the Attorney General's Office is based on the 1995 amendment which removed the prohibition of practicing acupuncture.

**SUBSTITUTE MOTION:** Rep. Newbold moved to postpone action on the item until the next meeting when an Attorney General's opinion is written.

The substitute motion passed unanimously.

#### **4. Other Items / Adjourn**

The next meeting is tentatively scheduled for Monday, December 8, 2003 at 9:00 a.m.

**MOTION:** Rep. Curtis moved to adjourn the meeting. The motion passed unanimously.

Chair Ure adjourned the meeting at 11:37 a.m.